



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

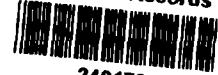
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REPLY TO THE ATTENTION OF

October 12, 1994

VIA FAX THEN
U.S. MAIL

EPA Region 5 Records Ctr.



246173

Carolyn K. Shining
Three First National Plaza
Suite 1960
Chicago, Illinois 60601
FAX (312) 251-0026

RE: Standard Scrap/Chicago International Exporting Site
Chicago, Illinois

Dear Ms. Shining:

This letter responds to your letter to the undersigned dated October 11, 1994 by which you, on behalf of your clients, refuse to provide access to the United States Environmental Protection Agency ("EPA") for sampling and other actions necessary to respond to the release or threat of release of hazardous substances at the above referenced site.

As you know, Respondents, including your clients, received a Unilateral Administrative Order ("Order"), issued by EPA under Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), to respond to the imminent and substantial endangerment to human health and the environment posed by hazardous substances at the above referenced site. Under the Order, Respondents must notify EPA of their intent to comply with the Order within 3 business days of the effective date of the Order. As we indicated during our meeting on October 5, 1994, the effective date of the Order is October 13, 1994. Therefore, Respondent's intent to comply notice is due on or before October 18, 1994.

Furthermore, as we indicated during our meeting on October 5, 1994, EPA will amend the Order to reflect that Lawrence Cohen and Bud Cohen are the same person, and to add the current operator of the facility, Chicago International Chicago, as an additional Respondent. No substantive provisions of the Order shall be amended, and thus no additional time may be added to the deadlines set forth in the Order.

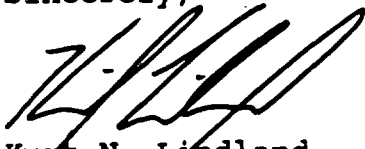
PLAINTIFF'S
EXHIBIT

In an effort to resolve the access issue informally, EPA again requests that Respondents agree to provide access to EPA orally so that sampling and other actions necessary to respond to the release of threat of release of hazardous substances at the above referenced site can be taken early the week of October 17. A written access agreement can also be prepared at a later date which shall apply to the remainder of the removal action. If such an agreement can be reached, please notify me by COB October 13, 1994. If no such agreement can be reached, EPA shall proceed to enforce its access authority under CERCLA.

Finally, as a reminder, Respondent Steve Cohen has not fully responded to EPA's Requests for Information ("Requests") dated August 24, 1994. The Requests require a response within 14 days of receipt. Respondent Steven Cohen received the Requests on or about August 31, 1994. Since Respondent Steven Cohen has not yet responded to the Requests he is currently out of compliance with Section 104 of CERCLA, and is therefore potentially liable for civil penalties of up to \$25,000 for each day of non-compliance.

If you have any questions regarding this matter, please do not hesitate to call me at (312) 886-6831.

Sincerely,



Kurt N. Lindland
Assistant Regional Counsel

